



Federal Communications Commission  
Washington, D.C. 20554

September 1, 2015

*Also sent by E-mail Transmittal*

Andre Whitehead, Owner  
Whitehead Media Ventures  
P.O. Box 41  
Lynchburg, VA 24505

Re: Case Identifier: CGB-CC-1361  
CG Docket No. 06-181  
Petition for Closed Captioning Exemption  
Request for Supplemental Information

Dear Mr. Whitehead:

This letter concerns your Petition for exemption from the Federal Communications Commission's (FCC's) closed captioning requirements. After reviewing your Petition, the Consumer and Governmental Affairs Bureau (Bureau) has determined that additional information, as set forth below, is required to enable us to determine whether the programming that is the subject of your Petition should be exempted from the FCC's closed captioning requirements because captioning such programming would be economically burdensome to your organization.

Specifically, your Petition included information about the name of your program, the impact of captioning on your operation and program, verification that you sought closed captioning assistance, and your overall type of operations. We conclude, however, that because your Petition is missing required information, we cannot take further action on it.

If you wish for your Petition to receive further consideration for a closed captioning exemption, you must supplement your Petition by providing us with the information described below **by October 1, 2015**, which is 30 days from the date of this letter:

- The nature and cost of the closed captions for the programming. Provide information about your organization's costs associated with closed captioning each specific program for which you are requesting an exemption, and your efforts to find companies that can provide captioning at a reasonable cost.
  - Include documentation for two or more recent quotes you received from closed captioning services to provide closed captioning specifically for your program(s). "Recent" means a quote you obtained within one year of the date of your petition.

*As stated in our letter dated June 16, 2015, the captioning quote from Uptone satisfies this requirement, and the quote from Capital Post does not, since it was a "ballpark quote" and not specifically for your program. You then sent us a supplementary response on August 24, 2015 which provides no new information about Capital Post, but provided two new captioning quotes from Cadice Brickner and Jeanette Christian for \$6,500.00 and \$18,200 annually, respectively. However, there are no documentation for these two new quotes. Documentation is required to ensure the quotes are **specifically** for your program and are*

*within one year of the date of your petition. You must provide documentation for one of the quotes from Brickner, Christian, or Capital Post.*

- For each of these quotes, include an estimate of your annual cost to caption your program(s). For example, multiply the cost to caption each of your program episodes by the number of program episodes you expect to produce and show in one year.
- Your financial resources.
  - Provide information about the current assets and current liabilities of your overall organization, as follows:
    - Provide a statement of all current assets and current liabilities of the overall organization as of the last day of the two most recent completed calendar or fiscal years. Current assets and current liabilities must each be totaled. List, describe, and provide the dollar amount for each type of current asset and current liability so listed. This requirement may be satisfied by providing complete balance sheets that identify current assets and current liabilities as of the last days of the two most recent completed calendar or fiscal years. Balance sheets that do not identify current assets and current liabilities do not satisfy this requirement. If you have no current liabilities, provide a statement to that effect.
  - Current assets are any asset (or resource) as of the last day of the calendar or fiscal year that can be converted into cash within the following year.
    - Examples of current assets for an individual or sole proprietor: cash; checking accounts; savings accounts; investment accounts including money market accounts; certificates of deposit and bonds that will mature within one year; stocks; and trust/endowment account amounts available for that year.
    - Examples of current assets for a corporation: cash; accounts receivable; inventory; marketable securities; and prepaid expenses.

*Your supplement dated August 24, 2015 indicates you have no current liabilities. However, you must submit balance sheets for the years 2012 and 2013 or a statement indicating the year end balances for current assets for the years 2012 and 2013.*

- Video programing distributor assistance. Verify that you have sought assistance (such as funding or services) from your video programming distributor(s) specifically for the provision of closed captioning on your programming. A distributor is any TV broadcast station, cable provider, or satellite system that shows your program(s). State whether you have asked your distributor(s) to help you provide captions, whether this request was accepted or rejected, and, if accepted, describe the assistance that each distributor has offered to provide.

*It is not clear if you have requested assistance from the CW5 specifically for the provision of closed captioning on your program. A statement must be submitted to us to verify that you have asked for assistance and whether this request was accepted or rejected, and if accepted, a description of the type of assistance CW5 is willing to provide.*

- Affidavit or declaration. Your submission must contain a detailed, full showing, supported by a signed and sworn affidavit or signed declaration made under penalty of perjury attesting to the truthfulness and accuracy of the information and representations contained in your submission.

An affidavit is a written statement made under oath, before an official who is authorized to administer oaths, such as a notary public or county clerk. A declaration is a written statement made under penalty of perjury, such as "I declare under penalty of perjury that the information contained in this submission is true and correct." (See 47 C.F.R. § 1.16.) The affidavit or declaration must be dated.

*Your declaration was not signed or dated. Please submit a declaration or affidavit that is signed and dated with the necessary language as noted above.*

If the Bureau determines that your Petition, as supplemented by your response to this letter, provides sufficient information upon which to make a determination of whether or not to grant a closed captioning exemption, we will place your Petition on public notice under Docket No. 06-181 at <http://fjallfoss.fcc.gov/ecfs>. Members of the public will then have 30 days to file comments on and/or oppositions to your Petition, including the supplemental information you have provided in response to this letter, after which you will have 20 days to respond. At the end of this timeframe, the Bureau will review your Petition, along with any comments and responses received, to determine whether you have demonstrated that providing closed captions would be economically burdensome. If Bureau denies your Petition, you will have 90 days from the date of your notification of the denial to begin captioning.

**If you do not supplement your Petition with all of the updated information and documentation requested in this letter within 30 days of the date of this letter, we will conclude that you have failed to support your exemption request with adequate explanation and evidence, and will dismiss your Petition. In the event of such dismissal, your organization will be required to begin providing closed captioning for your program(s) within 90 days of the date of our notification to you that your Petition has been dismissed.**

If you have questions pertaining to this letter or the information and materials requested herein, please contact the FCC's Disability Rights Office at [captioningexemption@fcc.gov](mailto:captioningexemption@fcc.gov).



Suzy Rosen Singleton  
Attorney, Disability Rights Office  
Consumer and Governmental Affairs Bureau

## **Instructions for Filing a Supplement to a Closed Captioning Exemption Petition**

Your supplemental information must be submitted to the FCC by e-mail to [captioningexemption@fcc.gov](mailto:captioningexemption@fcc.gov). Petitions and supplemental materials may not be filed directly on the FCC's Electronic Comment Filing System (ECFS) or by U.S. mail. At this time, the FCC's e-mail system does not accept attachments in the form of .ZIP files or file sizes larger than 13.3 megabytes. If a petitioner has concerns that its file size will exceed this limitation, please contact [captioningexemption@fcc.gov](mailto:captioningexemption@fcc.gov). Because the FCC will upload petitions and any supporting information and documentation to ECFS, petitioners must follow the ECFS document format guidelines (<http://apps.fcc.gov/ecfs/userManual/upload/documents.jsp>) when sending petitions, supporting information, and documentation via e-mail. For more information about this electronic filing procedure, visit <http://www.fcc.gov/encyclopedia/economically-burdensome-exemption-closed-captioning-requirements>.

**You must include your case identifier number, which is located at the top of this letter, and CG Docket Number 06-181 in all correspondence with the FCC regarding your petition.**